

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BLACK &amp; DAVISON, <i>et al.</i>,</b>	:	<b>CIVIL ACTION NO. 1:17-CV-688</b>
	:	
<b>Plaintiffs</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>CHAMBERSBURG AREA SCHOOL</b>	:	
<b>DISTRICT, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 30th day of March, 2018, upon consideration of the motion (Doc. 5) filed by defendants, seeking to dismiss the complaint (Doc. 1) filed by plaintiffs, and the parties' respective briefs in support of and opposition to said motion (Docs. 6, 7, 12, 18), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion (Doc. 5) to dismiss is GRANTED in part and DENIED in part as follows:
  - a. Count I of plaintiffs' complaint (Doc. 1) is DISMISSED with prejudice as to the individual defendants in their official capacities and as to defendant Dr. Joseph Padasak in his personal capacity.
  - b. Count III of plaintiffs' complaint (Doc. 1) is DISMISSED with prejudice.
  - c. Count IV of plaintiffs' complaint (Doc. 1) is DISMISSED with prejudice.
  - d. Defendants' motion (Doc. 5) is otherwise DENIED.

2. Plaintiffs are granted leave to amend their pleading within twenty (20) days of the date of this order to include a *quantum meruit* claim. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on the remaining claims.
3. The Clerk of Court is DIRECTED to terminate defendant Dr. Joseph Padasak as a party to the above-captioned action.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania